

**SALEM ZONING BOARD OF APPEALS**  
**April 22, 2010**

Present: Bellandese, K.  
Cole-Chu, L.  
Crisanti, S. Alt.  
Nortz, R.

Absent: Balavender, G. Alt.  
Bernier, J.  
Kozlowski, S., Alt.  
Mullin, M.

Guests: see attached.

**CALL TO ORDER:**

L. Cole-Chu, chairman, called the meeting to order at 7:37 pm.

**SEATING OF ALTERNATE(S):**

M/S/C (Nortz/Bellandese) to seat S. Crisanti for J. Bernier. Vote: approved unanimously.

With the Board's consent, the chair moved *Gardner Lake Volunteer Fire Co.*, under *RECEIPT OF APPLICATION(S) TO SET PUBLIC HEARING DATE(S)* to this place on tonight's agenda.

**RECEIPT OF APPLICATION(S) TO SET PUBLIC HEARING DATE(S):**

- Gardner Lake Volunteer Fire Co., Inc., 429 Old Colchester Rd., Salem, CT  
Request for a variance of Section 4.4.1 of the Salem Zoning Regulations for a reduction of the rear yard setback from twenty-five feet (1992 variance received for a reduction of the rear setback from fifty (50) feet to twenty-five (25) feet) to thirty (30) feet due to current construction requirements.  
Assessor's Map #12; Lot #30 429 Old Colchester Road

J. Savalle, chief of the Gardner Lake Volunteer Fire Co. (GLVFC), appeared:  
Two (2) previous variances (1985 and 1992) were granted to the fire company for the same reason.  
The footprint of the building is not changing.  
The ZEO told him that he would need to get another variance for this construction.

The Board was curious as to why another variance was needed when two had previously been granted for the same matter and the footprint of the building is not changing.

They requested that the applicant go back to the ZEO for more clarification.

M/S/C (Nortz/Bellandese) that if the GLVFC application must come before the ZBA, the hearing will be held at the May 27, 2010 Zoning Board of Appeals meeting. Vote: approved unanimously.

**PUBLIC HEARING(S):** This hearing was rescheduled from 3/25/10  
due to the lack of a quorum.

- 1) #10-02 **Ed & Elva Turchan, 119 Forest Drive Ext., Salem CT 06420**  
**Request for a variance of Section 5A.2.1 of the Salem Zoning Regulations (Permitted Uses in the SR SEASONAL RESIDENTIAL ZONE) for the use of a seasonal residence at such times during the winter months (November to April, inclusive) when health problems prohibit the Turchans from leaving.**

**Assessor's Map #22; Lot #2 119 Forest Drive Ext.**

The Board heard the Turchan's first application (#10-01) for their request for a variance for permanent residency at the 2/25/10 ZBA meeting.

The application was denied because a legal hardship justifying the variance had not been proven.

E. Turchan, applicant, appeared:

Read into the record her's and her husband's memo to the ZBA (3/01/10) of her request for temporary occupation of 119 Forest Drive Ext. under specific circumstances during the winter months. (See attached to the filed copy of these minutes.)

Public Comments:

- J. Coleman, owner of 101 Forest Drive Ext. - in favor of the variance; Mr. Turchan is very ill.
- C. Thomas, 18 Tamarack Place - her parents would be there only when they could not leave due to illness; this would not be a zoning change, only a temporary change.

E. Turchan stated that she was told by M. Chinatti, ZEO, that this application would probably not pass, but she wanted to submit it and try anyway.

- C. Thomas, 18 Tamarack Place - if the ZBA is not the place for this request, please advise her mother and father to which town agency or official they should go.

S. Crisanti:

Stated that this is not a reason for a variance, but there should be some place they should be able to go to for help.

L. Cole-Chu, chairman:

The ZBA's legal situation was discussed at the last meeting. The ZBA lacks the legal power to do what the Turchans are requesting.

The town does have an Agent for the Elderly who may be of help.

The ZEO's 3/9/10 letter to the Turchans stated that she would not pursue a violation on the property until the end of the summer season (May through October, inclusive) as per the Zoning Regulations.

Further Public Comments:

- C. Thomas, 18 Tamarack Place - requested to know what the laws/regulations are and where they can be found for Zoning Boards of Appeals.

L. Cole-Chu, chair, read the five bullets under the *Variance* section on pages 1 and 2 of the ZBA application form in regard to what constitutes a hardship.

M/S/C (Crisanti/Nortz) to close the public hearing on application #10-2 of:

Ed & Elva Turchan, 119 Forest Drive Ext., Salem CT 06420

Request for a variance of Section 5A.2.1 of the Salem Zoning Regulations (Permitted Uses in the SR SEASONAL RESIDENTIAL ZONE) for the use of a seasonal residence at such times during the winter months (November to April, inclusive) when health problems prohibit the Turchans from leaving.

Assessor's Map #22; Lot #2

119 Forest Drive Extension

Vote: approved unanimously.

M/S/D (Crisanti/Bellandese) to approve application #10-2 of:

Ed & Elva Turchan, 119 Forest Drive Ext., Salem CT 06420

Request for a variance of Section 5A.2.1 of the Salem Zoning Regulations (Permitted Uses in the SR SEASONAL RESIDENTIAL ZONE) for the use of a seasonal residence at such times during the winter months (November to April, inclusive) when health problems prohibit the Turchans from leaving.

Assessor's Map #22; Lot #2

119 Forest Drive Extension

on the grounds that a legal hardship justifying the variance has been proven.

Vote: For approval - No one. For denial - Bellandese, Cole-Chu, Crisanti, and Nortz. Abstentions - none.

MOTION DENIED.

At this time, S. Crisanti stated that he thought it would be a good thing to do if the Salem Zoning Board of Appeals said the Pledge of Allegiance at the beginning of every meeting.

All members present agreed and the following action was taken:

M/S/C (Crisanti/Nortz) that the Salem Zoning Board of Appeals will say the Pledge of Allegiance before each meeting. PLEDGE OF ALLEGIANCE will be added to the ZBA agenda after CALL TO ORDER. Vote: approved unanimously.

**RECEIPT OF APPLICATION(S) TO SET PUBLIC HEARING DATE(S):**

- Gardner Lake Volunteer Fire Co., Inc., 429 Old Colchester Rd., Salem, CT  
Request for a variance of Section 4.4.1 of the Salem Zoning Regulations for a reduction of the rear yard setback from twenty-five feet (1992 variance received for a reduction of the rear setback from fifty (50) feet to twenty-five (25) feet) to thirty (30) feet due to current construction requirements.

Assessor's Map #12; Lot #30

429 Old Colchester Road

This item was moved to and heard before *PUBLIC HEARING(S)* on tonight's agenda.

- D. Ceccarelli, PO Box 532, Norwich CT 06360  
Request for variances of Section 4.4.1 for both front and rear setbacks from the required fifty (50) feet.

Assessor's Map #21; Lot #46B

106 Old Colchester Road

M/S/C (Bellandese/Crisanti) to set a public hearing for the following application:

#10-04

D. Ceccarelli, PO Box 532, Norwich CT 06360

Request for variances of Section 4.4.1 for both front and rear setbacks from the required fifty (50) feet.

Assessor's Map #21; Lot #46B

106 Old Colchester Road

for Thursday, May 27, 2010 at the Salem Town Office Building, 270 Hartford Road at 7:30 pm. Vote: approved unanimously.

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

- 1) **January 28, 2010 - Regular Meeting**

M/S/C (Bellandese/Crisanti) to approve the minutes of the January 28, 2010 Regular Meeting of the Salem Zoning Board of Appeals as presented. Vote: approved unanimously.

**OLD BUSINESS:**

- 1) **Comparison of cost of Legal Notices to ZBA application fee**

After comparison of the costs for legal noticing for ZBA applications the Board's Administrative Assistant, D. McTigue, stated that the notices exceed the amount of the application fee.

The Board requested that a comparison of what other towns about the size of Salem charge for their ZBA application fees.

This matter will be discussed at the 5/27/10 ZBA meeting.

**2) Such other Old Business as may be proper**

There was no further *OLD BUSINESS*.

**NEW BUSINESS:**

**1) Such other New Business as may be proper**

There was no other *NEW BUSINESS* this evening.

**CORRESPONDENCE/ANNOUNCEMENTS:**

There was no *CORRESPONDENCE/ANNOUNCEMENTS* this evening.

**ADJOURNMENT:**

M/S/C (Crisanti/Nortz) to adjourn the meeting at 8:30 pm. Vote: approved unanimously.

D. McTigue, Administrative Assistant/Recording Secretary

L. Cole-Chu, chairman